

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
OF TENNESSEE
AT CHATTANOOGA

MARCUS J. GUINN

Plaintiff

vs.

Civil Action No: _____
JURY DEMAND

TENNESSEE VALLEY AUTHORITY

Defendant

COMPLAINT

The plaintiff, Marcus J. Guinn, brings this action for damages for violation of his due process rights, for wrongful termination of his employment, and defamation of character by libel, and in support thereof, states as follows:

1. The plaintiff, Marcus J. Guinn, is a United States citizen, a resident of the State of Tennessee, and resides in Athens, McMinn County, Tennessee.

2. The defendant, Tennessee Valley Authority (TVA), is an agency and instrumentality of the United States Government.

3. This Court has jurisdiction of this action pursuant to 28 USCA §1331, 28 USCA §1346, the Tennessee Valley Authority Act of 1933 (16 USCA § 831, et seq), and 16 USCA § 831 c (b).

4. Prior to May 7, 2012, the plaintiff, Marcus J. Guinn, was an employee of TVA employed as a Senior Project Manager at TVA's corporate office in Chattanooga, Tennessee.

5. On or about April 30, 2012 the plaintiff was notified in writing that he was suspended from work and pay status pending an investigation. A TVA supervisor notified the plaintiff that TVA was investigating the plaintiff's involvement in alleged willful falsification of TVA documents. The notification to the plaintiff was in writing with the notification stating the plaintiff will be suspended from work and pay status pending an investigation of the alleged willful falsification of TVA documents. This written notification was circulated to other individuals and Departments within TVA.

6. By letter dated May 4, 2012, TVA, through a Senior Manager, notified the plaintiff that his employment would be terminated effective May 4, 2012. The letter again references an investigation of alleged willful falsification of TVA documents.

7. By subsequent letter dated May 7, 2012, TVA, through a Senior Manager, reminded the plaintiff that he was placed on suspension pending an investigation of alleged willful falsification of TVA documents. The Senior Manager states that he has considered the plaintiff's complete file on this matter, and for reasons set forth in the April 26, 2012 notice, the plaintiff's employment would be terminated effective May 7, 2012.

8. Both the May 4, 2012 letter and the May 7, 2012 letter were circulated to other individuals and Departments within TVA. All of the written communications referenced herein have been made a part of the plaintiff's personnel file maintained by TVA.

9. The plaintiff alleges all of the communications referenced herein made by and on behalf of TVA by a TVA Senior Manager engaged in the course and scope of his employment constitute a false and defamatory statement about the plaintiff. The plaintiff alleges the written communications state that the plaintiff willfully falsified TVA documents. The plaintiff alleges these communications state that the plaintiff has committed a criminal act as the willful falsification of a Federal document is a crime.

10. The plaintiff avers he has not willfully or otherwise falsified a TVA document and the written communications referenced herein by and on behalf of TVA are false and libelous. These false statements have damaged the character, reputation, and good name of the plaintiff and have resulted in a present and future loss of income for the plaintiff.

11. The plaintiff avers that he has not willfully or otherwise falsified a TVA document and his termination from employment constitutes a wrongful termination. As a result of this wrongful termination, the plaintiff has incurred damages by the loss of present and future income, and an inability to obtain future employment in his chosen profession.

12. The plaintiff alleges that TVA did not provide him with an opportunity to respond to the false allegations being made against him. He alleges that he has requested on numerous occasions an opportunity to review and copy the TVA documents which TVA alleges he

falsified. The plaintiff alleges TVA has not provided him access to or any information whatsoever concerning the documents TVA alleges he falsified. The plaintiff avers TVA has not afforded him with a hearing to allow him an opportunity to refute the false allegations made against him. Based thereon, TVA has denied and deprived the plaintiff of his due process rights to liberty and property guaranteed him by the Fifth Amendment to the United States Constitution.

WHEREFORE, the plaintiff, Marcus J. Guinn, respectfully asks for findings that Tennessee Valley Authority has deprived and denied the plaintiff of his due process rights, defamed him by acts constituting libel, and wrongfully terminated his employment. He asks for a Judgment in the amount of \$9,000,000.00 to compensate him for damages suffered, the result of the violation of his due process rights, damage to his reputation, character, and goodwill, and for present and future loss of income.

The plaintiff requests a jury.

Signed for filing this 7th day of December, 2012.

s/ MARCUS J. GUINN, Plaintiff

BIDDLE & TREW, LLP
Attorneys at Law
20 Washington Avenue NW, P.O. Box 10
Athens, TN 37371-001

By: s/H. Chris Trew - BPR # 011162
Attorney for Marcus J. Guinn

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